

REMARKS

The above-referenced application has been reviewed in light of the Office Action mailed August 23, 2005. By the present amendment, the Applicant has added new claims 12-15. It is respectfully submitted that the claims pending in the application, namely claims 1-10 and 12-15, do not introduce new subject matter, are fully supported by the application, and are patentable over the prior art. Prompt and favorable consideration of these claims is earnestly sought.

In the Office Action, claims 1-10 were rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 5,591,183 to Chin (the '183 patent). According to the Office Action, the '183 patent discloses a method including providing a long slender rod having handle wherein a first sideways hook is located on the distal end and a second sideways hook extends from the rod in an opposing direction from the first sideways hook, manipulating the rod to slide the sideways hooks around the artery, and pushing and/or pulling the rod to slide along the artery until the artery is separated from the surrounding tissue.

Presently, independent claims 1, 3, and 5 recite a method including, *inter alia*, the step of "providing a long slender rod with a handle on one end and a sideways hook on the other end," while independent claim 7 recites a method including, *inter alia*, the step of "providing a long slender rod with a handle and a hooked end, said hooked end having a sideways extending hook near its distal tip."

The '183 patent discloses a dissection device having an open ring 702 located at its distal end. As shown in Figure 7 (reproduced below), the device disclosed in the '183 patent includes a circular ring 702 having a portion removed wherein the ring 702 is disposed at the distal end of a rod 704.

The '183 patent (Column 8, lines 1-13) describes the disclosed device as follows:

FIG. 7 depicts an embodiment of a dissection instrument 700 designed to dissect out a vessel 502. It is composed of a rigid open ring 702 attached to a long rigid shaft or handle 704. The ring 702 has an opening 706 through the body of the ring 702. The width of the opening 706 must be at least equal to the diameter of the vessel 502 which is being dissected so that the vessel 502 can pass through the opening 706. The open ring 702 includes at least one cutting edge 708 extending substantially along the circumference of the ring 702. The cutting edge 708 is capable of dissecting tissue and may be curved or twisted out of a single plane generally perpendicular to the handle 704. Preferably, there is a second cutting edge 710 located along the ring's circumference opposite from the first cutting edge 708.

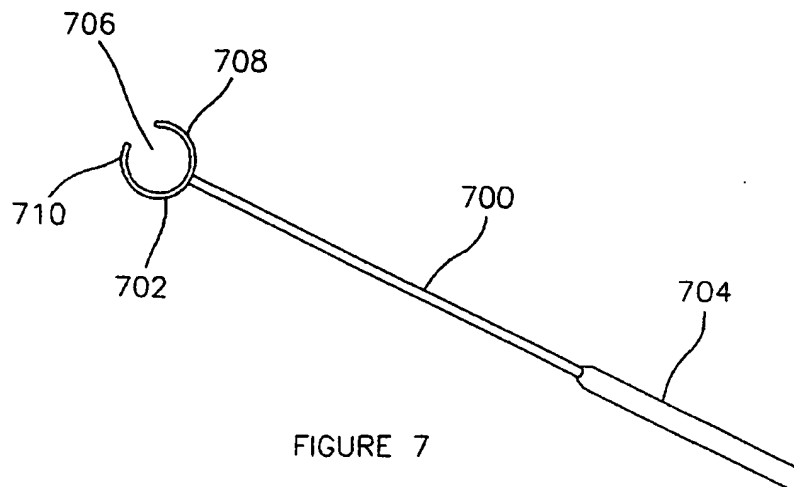


FIGURE 7

In contrast to the device disclosed in the '183 patent, claims 1, 3, and 5 of the present application recite a method including, *inter alia*, the step of "providing a long slender rod with a handle on one end and a sideways hook on the other end," while independent claim 7 recites a method including, *inter alia*, the step of "providing a long slender rod with a handle and a hooked end, said hooked end having a sideways extending hook near its distal tip." The Office Action asserted that the open ring 702 of the '183 patent anticipates the "sideways hook" recited in claims 1, 3, and 5, and the "hooked end having a sideways extending hook" recited in claim 7.

In addition, the Office Action asserted that cutting edges 708, 710 anticipate the first and second sideways hooks recited in claims 8-10.

The American Heritage Dictionary of the English Language, Fourth Edition, defines a ring as "a circular object, form, line, or arrangement with a vacant circular center" and defines a hook as "a curved or sharply bent device, usually of metal, used to catch, drag, suspend, or fasten something else." A ring, being a circular object, has a substantially uniform diameter thereby defining a circle. In contrast thereto, a hook has a sharp bend and does not define a complete circle as does a ring. Referring directly to Figure 7, the '183 patent discloses (Column 8, lines 4-5) that "the ring 702 has an opening 706 through the body of the ring 702." Removing a portion of the ring, as shown and disclosed in the '183 patent, does not change the structural configuration of the disclosed ring 702, since the remaining portion of the ring 702 still has a substantially uniform diameter, thereby defining a substantially circular structure.

The ring 702 with the opening 706, as shown and disclosed in the '183 patent, does not anticipate or fairly suggest a "sideways hook" as recited in claims 1, 3, and 5 or the "hooked end having a sideways extending hook" as recited in claim 7. Therefore, for the reasons discussed above, it is respectfully submitted that the '183 patent does not anticipate or fairly suggest the method recited in independent claims 1, 3, 5, and 7, and the rejection of the Office Action has been overcome. Since claims 2, 4, 6, and 8-10 depend from claims 1, 3, 5, and 7 respectively, it is respectfully submitted that these claims are also not anticipated or fairly suggested by the '183 patent.

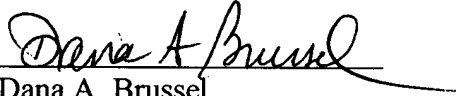
Appl. No. 10/790,374
Amdt. dated December 20, 2005
Reply to Office Action mailed August 23, 2005

New claims 12-15 depend from claims 1, 3, 5, and 7 respectively. As discussed hereinabove, claims 1, 3, 5, and 7 are not anticipated or fairly suggested by the '183 patent. Therefore, it is respectfully submitted that new claims 12-15 are also not anticipated or fairly suggested by the '183 patent.

Prompt and favorable action on these claims, namely claims 1-10 and 12-15, is earnestly requested. Should the Examiner desire a telephonic interview to resolve any outstanding matters, he is sincerely invited to contact the undersigned at (631) 501-5713.

Respectfully submitted,

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